

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS

NEW YORK STATE ELECTRIC & *
GAS CORPORATION, *
Plaintiff *
v. *
FIRST ENERGY CORPORATION, *
Defendant *

AFFIDAVIT OF MOVANT'S ATTORNEY

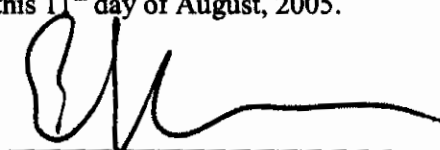
Now comes the undersigned and avers under oath on his personal knowledge that:

1. I am a partner in the law firm of Kerstein, Coren & Lichtenstein and Robert Rosenblum, Esq. is Of Counsel to the firm. META Environmental, Inc., the movant, is a client of Attorney Rosenblum.
2. Upon returning to his office the employee responsible for dealing with subpoenas telephoned Attorney Rosenblum upon discovering the subpoena in this case and left a message. Determining that immediate action was necessary the matter was referred to me and I received a facsimile transmission of the subpoena and document request on Friday, August 5, 2005. On August 5, 2005 I telephoned the defense attorney who issued the subpoena, Paul G. Ferrara, Costello, Cooney & Fearon, PLLC, 205 South Salina Street, Syracuse, NY 13202 and explained the situation to his secretary. I was told the attorney was out for the rest of the day and that he would contact me Monday, August 8, 2005.
3. I did not receive a return telephone call and on August 8, 2005 sent by facsimile a letter to the attorney explaining my objections and asking to agree on time and costs. I have not received any response.

4. Based on information related to me by my client, I have reason to believe that some portion of the requested documents are subject to the confidentiality provision of the agreement between EPRI and META. Upon receiving a copy of the pertinent part of the agreement, I notified my client of its obligation to notify EPRI of any subpoena requesting documents that may be confidential to EPRI and in which EPRI has a proprietary interest. My client then notified EPRI pursuant to the agreement.

5. I have rendered reasonable and necessary legal services to META resulting from the subpoena and I anticipate that I shall need to render further legal services pending this Court's decision on this motion. I have attached hereto my statement of time and charges incurred to date.

Signed under the pains and penalties of perjury this 11th day of August, 2005.


E. Steven Coren